



RESOLUTION

URGING THE HAWAII STATE LEGISLATURE TO ENACT LEGISLATION THAT WOULD AUTHORIZE THE COUNTIES TO REQUEST NATIONAL CRIMINAL BACKGROUND CHECKS FROM THE FEDERAL BUREAU OF INVESTIGATION FOR DRIVERS OF PRIVATELY-OPERATED PUBLIC PASSENGER VEHICLE SERVICES.

WHEREAS, privately-operated public passenger vehicle service provides vital transportation links to the state and its people; and

WHEREAS, Hawaii Revised Statutes, Section 46-16.5, authorizes the counties to protect the public health, safety, and welfare by licensing, controlling and regulating privately-operated public passenger vehicle services, including the picking up and discharging of passengers from various unrelated locations by taxicab; and

WHEREAS, the City and County of Honolulu has adopted ordinances and administrative rules addressing the supervision, regulation, and control of the transporting of passengers or property for hire in a taxicab; and

WHEREAS, such measures include provisions relating to criminal background checks for applicants for taxicab drivers' certificates from the Honolulu Police Department records division that are considered in determining whether an applicant may pose a danger to the health, safety, or welfare of the traveling public; and

WHEREAS, it is unclear, however, whether the City has the authority to access the database of the Federal Bureau of Investigation ("FBI") in order to conduct nationwide criminal background checks on applicants for taxicab drivers' certificates; and

WHEREAS, accordingly, the City's ability to determine whether a taxicab driver certification applicant has been convicted of a crime in another state, territory, commonwealth, or other jurisdiction of the United States is limited; and

WHEREAS, the City is considering measures to address the supervision, regulation, and control of transportation network companies, which are a type of privately-operated public passenger vehicle service; and

WHEREAS, the City's Corporation Counsel has advised the Council that in order to access the FBI's database, an "umbrella" statute must be enacted by the state legislature to authorize the release of criminal history record information to the county agencies responsible for regulation of privately-operated public passenger vehicle services; and



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WHEREAS, the enactment of such a statute would allow the counties to conduct national criminal background checks on drivers of privately-operated public passenger vehicle services, and increase the safety and security of Hawaii residents and visitors who utilize those services; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the Hawaii State legislature is urged to enact legislation that would authorize the counties to request national criminal background checks from the Federal Bureau of Investigation for drivers of privately-operated public passenger vehicle services; and

BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to the Governor of the State of Hawaii, the President and all members of the Senate of the Hawaii State Legislature, the Speaker and all members of the House of Representatives of the Hawaii State Legislature, the Mayor of the City and County of Honolulu, the Managing Director, and the Director of Customer Services.

INTRODUCED BY:

Ron Menor

DATE OF INTRODUCTION:

January 22, 2016
Honolulu, Hawaii

Councilmembers

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
C E R T I F I C A T E

RESOLUTION 16-16, CD1

Introduced: 01/22/16

By: RON MENOR

Committee: TRANSPORTATION

Title: RESOLUTION URGING THE HAWAII STATE LEGISLATURE TO ENACT LEGISLATION THAT WOULD AUTHORIZE THE COUNTIES TO REQUEST NATIONAL CRIMINAL BACKGROUND CHECKS FROM THE FEDERAL BUREAU OF INVESTIGATION FOR DRIVERS OF PRIVATELY-OPERATED PUBLIC PASSENGER VEHICLE SERVICES.

Voting Legend: * = Aye w/Reservations

02/11/16 TRANSPORTATION CR-53 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION AS AMENDED IN CD1 FORM.

02/17/16 COUNCIL CR-53 AND RESOLUTION 16-16, CD1 WERE ADOPTED.
9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.



GLEN I. TAKAHASHI, CITY CLERK



ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER